

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF RHODE ISLAND (PROVIDENCE)

In re:
Catherine M. Shemelagian
a/k/a Cathy Shemelagian
a/k/a Kathy Shemelagian

Chapter 7
Case No.: 18-11811

Debtor

**MEMORANDUM IN SUPPORT OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. SECTION 362**

Now comes Deutsche Bank National Trust Company, as Trustee for RBSGC Mortgage Loan Trust, Mortgage Loan Pass-Through Certificates, Series 2007-B (“Movant”) and in support of its motion, states the following:

1. On November 20, 2006, Catherine Shemelagian (“Debtor”) executed and delivered a Note (the “Note”, a copy of which is attached hereto as Exhibit “A”) to Wells Fargo Bank, N.A. The Note is secured by a Mortgage also dated November 20, 2006 and recorded in the City of Pawtucket Land Evidence Records in Book 2769 at Page 226 (the “Mortgage”, a copy of which is attached hereto as Exhibit “B”), on real property owned by the Debtor and known and numbered as 385 Main Street, Pawtucket, RI 02860 (the “Real Property”).
2. Movant is the current holder of the Mortgage by virtue of Assignment of Mortgage (a copy of which is attached hereto as Exhibit “C”).
3. There is no other collateral securing the Note.
4. Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant’s successor or assignee. Movant, directly or

through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

5. On October 31, 2018, Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code.

6. As of December 13 2018, the delinquency owed by Debtor on the Note is \$26,978.32. Movant estimates that, if a hearing on this motion is held within thirty days of the date of filing, an additional payment and late charge will come due and owing.

7. According to Debtor's Schedule A, the fair market value of the Real Property is \$130,000.00.

8. Movant estimates that the liquidation value is no greater than \$130,000.00.

9. Upon information and belief, there are no additional liens or encumbrances on the Real Property.

10. As of December 13, 2018, the total outstanding balance owed on the Note was \$151,854.89.

11. The estimated total amount of encumbrances on the Real Property is \$151,854.89.

12. Movant is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. §362(d)(1) because Debtor has not made payments pursuant to the Note and Mortgage.

13. Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. §362(d)(2) because there is no equity in the Real Property and it is not necessary for an effective reorganization.

WHEREFORE, Movant moves that the Court enter an Order granting Movant relief from the automatic stay pursuant to 11 U.S.C. §362(d) so that it, and its successors and assigns, may proceed to exercise its rights pursuant to the Note and Mortgage. They may also proceed according to applicable state and federal law and to commence a trespass and ejectment action against occupants of the Real

Property.

Deutsche Bank National Trust Company, as Trustee
for RBSGC Mortgage Loan Trust, Mortgage Loan
Pass-Through Certificates, Series 2007-B
By its attorneys,

Date: December 18, 2018

/s/ Joseph Dolben, Esq.

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